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September 24, 2010

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th St. SW  
Washington, DC 20553

Re: CS Docket 97-80

I am writing today to offer comments regarding CableCard deployment and related hardware (tuning adapters for SDV).

I believe that my cable service provider (Cox) has worked hard to maintain technical compliance with the Commission's prior rules regarding CableCard deployment—while completely subverting the intent of these rules.

I use several high-definition TiVo devices. Unlike their own set-top boxes, Cox requires a “truck roll” to install CableCards. So when I received the TiVo hardware in early 2009, I called Cox and very carefully specified that I needed three multistream “M” cards and three tuning adapters. They pointed out the availability of their own Cox HD DVR product, but made the appointment when I insisted that I wanted CableCards and tuning adapters. When the technician arrived, he brought three tuning adapters and two single-stream “S” cards. When I pressed him on this, he told me that they had no “M” cards and didn't expect them for months—and that the TiVo+CableCard +tuning adapter combination was unreliable, so I should probably just get the Cox HD DVR instead.

It took nine more calls to customer service and a personal visit to a Cox office to resolve the problem. The Cox HD DVR was suggested to me at least twice more during this process, leading me to wonder more than once whether this was a form of “strategic incompetence” on the part of Cox. In the end, I wound up picking up three multistream cards from their office. (They once again claimed they were out of stock, but located them after I volunteered my willingness to complain to the Fairfax County cable franchise regulators). I then installed them myself in flagrant violation of their “truck roll” policy. The delicate and complicated installation process consisted of inserting the card into a slot on the TiVo device AND calling the cable company to read a number hidden in large print on the middle of my TV screen. This would have been pretty difficult if I had been unable to read, or if I lacked the physical coordination of a four-year-old. Everyone else, I think, would have a pretty good chance of a successful CableCard self-install.

The tuning adapters provided for switched digital video work reasonably well, though not perfectly. But it remains mysterious to me why they're even required. A Cox-provided set-top box is supposedly CableCard-based and yet manages to perform the two-way communication required to make SDV function. I thought the “integration ban” in a previous FCC ruling was designed to prevent just this disparity in capability

In short, it appears to me that every implementation decision and every procedural decision made by Cox regarding CableCards has been aimed at minimal required technical compliance while assiduously avoiding the creation of a level playing field for competing hardware. And Cox is hardly alone in this behavior; Verizon (the other operator in our area) also uses similar tactics to make it much easier to use their equipment than a competitor's.

As a cable customer who has encountered every one of the issues addressed in the proposed revision of §76.1205 of CFR 47, I urge the Commission to adopt its proposed CableCard rules (separate billing line item, self-install parity, multistream cards, and adequate inventory for professional installations). Cable industry support has been completely inadequate so far, and there's no reason at this point to believe that they'll mend their ways without a regulatory requirement to do so.

Sincerely,

Phil Wherry  
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